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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: April 19, 2006 Name: Henry L. Brinks, Reg. No. 17,0133 Signature:

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GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Lutz Biedermann et al.

Appln. No.: 10/660,452

Filed: September 11, 2003

For: Invertebral Disk Prosthesis

Attorney Docket No: 7948/16

Examiner: Willse, David H.

Art Unit: 3738

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ PTO Form 1449, Information Disclosure Statement, and five (5) foreign patent document references.
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$ \_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$ \_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☒ A check in the amount of \$180 is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$ \_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$ \_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

April 19, 2006  
Date

Henry L. Brinks (Reg. No. 17,013)



Appln. No. 10/660,452  
Atty. Docket No. 7948/16

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### INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(c), Applicants hereby cite the following reference(s):

#### U.S. REFERENCES:

DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
US 2005/0267581 A1	12/01/05	Marnay et al.	623/17.14	07/21/05
US 6,936,071 B1	08/30/05	Marnay et al.	623/17.15	07/02/99
US 2005/0085917 A1	04/21/05	Marnay et al.	623.17.16	11/30/04
US 2004/0153157 A1	08/05/04	Keller	623/17.14	03/20/02
4,759,766	07/26/88	Buetnner-Janz et al.	623/17	09/09/87

#### FOREIGN REFERENCES:

DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
EP 0 955 021 A1	13.03.1998	EPO		No
DE 35 29 761 C2	20.8.85	Germany		No
DE 30 23 353 A1	21.6.80	Germany		No
DE 30 23 353 C2	21.6.80	Germany		No
DE 28 04 936 A1	6.2.78	Germany		No

Applicants are enclosing Form PTO-1449 (two sheets), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). Copies of the Foreign References are enclosed. At the present time, the undersigned does not have translations of the Foreign References. Applicants respectfully request the Examiner's

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consideration of the above reference(s) and entry thereof into the record of this application:

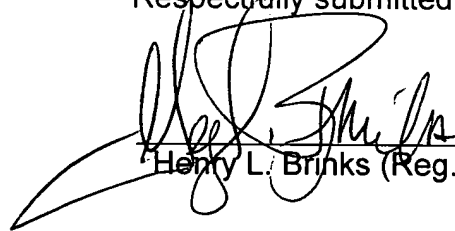
By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants have calculated a processing fee in the amount of \$180.00 to be due under 37 C.F.R. §1.17(p) in connection with the filing of this Statement. Applicants have enclosed a check covering this fee, or authorized charging the fee to a deposit account or credit card, as indicated in the Transmittal accompanying this Statement.

Respectfully submitted,

April 19, 2006

Date

  
Henry L. Brinks (Reg. No. 17,013)



FORM PTO-1449	SERIAL NO. 10/660,452	CASE NO. 7948/16
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE September 11, 2003	GROUP ART UNIT 3738
(use several sheets if necessary)		APPLICANT(S): Lutz Biedermann et al.

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	US 2005/0267581 A1	12/01/05	Marnay et al.	623/17.14	07/21/05
	A2	US 6,936,071 B1	08/30/05	Marnay et al.	623/17.15	07/02/99
	A3	US 2005/0085917 A1	04/21/05	Marnay et al.	623.17.16	11/30/04
	A4	US 2004/0153157 A1	08/05/04	Keller	623/17.14	03/20/02
	A5	4,759,766	07/26/88	Buetnner-Janz et al.	623/17	09/09/87

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A6	EP 0 955 021 A1	13.03.1998	EPO		No
	A7	DE 35 29 761 C2	20.8.85	Germany		No
	A8	DE 30 23 353 A1	21.6.80	Germany		No
	A9	DE 30 23 353 C2	21.6.80	Germany		No
	A10	DE 28 04 936 A1	6.2.78	Germany		No

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small>	
		None

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.